

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

GERALD SINGLETON,)	
)	
Plaintiff,)	Civil Action No. 2:11-cv-1431
)	
v.)	Chief Judge Gary L. Lancaster
)	Chief Magistrate Judge Lisa Pupo
PITTSBURGH BOARD OF)	Lenihan
EDUCATION, <i>et al.</i> ,)	
)	ECF No. 29
Defendants.)	

MEMORANDUM ORDER

The Complaint in the above captioned case was filed on or about November 9, 2011. This action was referred to Chief United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), and Local Rules of Court 72.C and 72.D.¹

The Magistrate Judge's Report and Recommendation (ECF No. 64), filed on August 13, 2012, recommended that the Motion to Dismiss filed by Defendant Michelle Miller-Kotula (ECF No. 29) be granted. Service was made on Plaintiff at his address of

¹ In particular, 28 U.S.C. §636(b)(1)(B) provides that a "judge may also designate a magistrate judge . . . to submit to a judge of the court proposed findings of fact and recommendations for the disposition, by a judge of the court, of any motion excepted in subparagraph (A)," which includes a motion to dismiss for failure to state a claim. See also W.D. LcvR 72.D.1. In this district, the Magistrate Judge's proposed findings and recommendations are set forth a document entitled a "Report and Recommendation." Any party may serve and file written objections to the Report and Recommendation within 14 days after being served with a copy. 28 U.S.C. §636(b)(1); W.D. LcvR 72.D.2. "A District Judge shall make a de novo determination of those portions to which objection is made and may accept, reject or modify in whole or in part, the findings and recommendations made by the Magistrate Judge." W.D.LcvR. 72.D.2. Accordingly, Plaintiff's objection that Magistrate Judge Lenihan was acting beyond the scope of her authority and jurisdiction lacks merit.

record and on all counsel of record. The parties were informed that in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.D.2 of the Local Rules of Court, that they had fourteen (14) days to file any objections. Plaintiff filed Objections to the Report and Recommendation (ECF No. 67) on August 31, 2012. Defendant Miller-Kotula filed a Response to Plaintiff's Objections (ECF No. 69) on September 14, 2012.

After a *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation and objections thereto, the following Order is entered:

AND NOW, this 14 day of September, 2012,

IT IS HEREBY ORDERED that the Motion to Dismiss filed by Defendant Michelle Miller-Kotula (ECF No. 29) is **GRANTED** and the Complaint against Defendant Miller-Kotula is **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 64) of Chief Magistrate Judge Lenihan, dated August 13, 2012, is adopted as the opinion of the Court.



GARY L. LANCASTER
Chief United States District Judge

cc: Gerald Singleton, *Pro Se*
5514 Stanton Avenue, #4
Pittsburgh, PA 15206
Via First Class, U.S. Mail

All Counsel of Record
Via Electronic Mail